

1 **REMARKS**

2 Amendments to the Claims:

3 Claim 1 has been amended to add the word "and" between the last, and the
4 penultimate, limitations, for the sake of grammatical clarity.

5 Claims 22, 24, 39 and 41 have been amended (as set forth above) to include
6 limitations found in original claim 1 (that is, that the "image capture context" is
7 provided (i.e. "activated") in response to a user selecting an "image template").
8 Claim 41 has been further amended as suggested by the Examiner to address the
9 rejection of this claim under 35 USC § 101. Claim 43 has been cancelled (without
10 prejudice) as it is currently deemed to be redundant in light of the amendments to
11 claim 41, from which claim 43 originally depended. No new matter has been added
12 to the claims by way of amendment.

13
14 Rejection of Claims Under 35 U.S.C. § 101:

15 Claims 41-44 have been rejected under 35 U.S.C. § 101 for the reasons set
16 forth at page 2 of the Office action dated November 16, 2006.

17 In response, the Applicants have amended the preamble of claim 41 to be
18 consistent with the preamble that was suggested by the Examiner in order to
19 overcome this rejection. (The Applicants would like to thank the Examiner for the
20 suggested preamble.) Since claims 42-44 depend from claim 41, and the preambles
21 of original claims 42-44 are not inconsistent with the amended preamble of claim 41,
22 the Applicants contend that all of claims 41-44 now comply with 35 U.S.C. § 101. The
23 Applicants therefore respectfully request that the rejection of claims 41-44 under
24 35 U.S.C. § 101 be removed.

25
(Continued on next page.)

1 Rejection of Claims Under 35 U.S.C. § 102:

2 Claims 1-7, 9, 10, 15-17, 19, 22-28, 30 and 32-44 have been rejected under
3 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No.
4 2003/0206240 ("Hyodo et al.", or merely "Hyodo").

5 The Applicants respectfully traverse this rejection, and contend that claims
6 1-7, 9, 10, 15-17, 19, 22-28, 30 and 32-44 are not anticipated by Hyodo, for at least
7 the following reasons.

8 As a starting point, the Applicants note that "[a]nticipation requires that all of
9 the elements and limitations of the claims are found within a single prior art
10 reference." (Scripps Clinic and Research Found. v Genetech. Inc., 927 F.2d 1565,
11 1576, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991 (emphasis added))). Moreover, the
12 PTO and the Federal Circuit provide that §102 anticipation requires that there must
13 be no difference between the claimed invention and the reference disclosure.
14 (Scripps Clinic and Research Found. v. Genetech, Inc., id. (emphasis added)).

15 Accordingly, if the Applicants can demonstrate that any of claims 1-7, 9, 10,
16 15-17, 19, 22-28, 30 and 32-44 include an element, or a limitation, that is not shown
17 in Hyodo, then the respective claim(s) must be allowed.

18 The Applicants note that the claims which were rejected under 35 USC 102 as
19 being anticipated by Hyodo include each and every independent claim (i.e.,
20 independent claims 1, 22, 24, 26, 39 and 41). It is axiomatic that if an independent
21 claim can be shown to be allowable over a reference under 35 USC 102, then each
22 and every claim which depends therefrom should also be allowable under 35
23 USC 102. (That is, if an independent claim includes a limitation which differentiates
24 such claim from a cited reference under 35 USC 102, than any claim which depends
25 from this independent claim also inherently includes the same limitation, and is
therefore patentable over the cited reference for at least the same reason as the
independent claim is patentable over the reference.) Furthermore, it is axiomatic

1 that if an independent claim is allowable under 35 USC § 102, then there is no
2 possible way that any respective dependent claim can be obvious under
3 35 USC § 103.

4 Accordingly, the Applicants present, below, arguments pertaining specifically
5 to the patentability (and allowability) of independent claims 1, 22, 24, 26, 39 and 41
6 as not being anticipated by Hyodo. The Applicants contend that, in light of the
7 argued allowability of independent claims 1, 22, 24, 26, 39 and 41 (as respectfully
8 amended) as not being anticipated by Hyodo, each and every claim which depends
9 from these independent claims should also be allowed. The Applicants further
10 contend that their dependent claims are at least allowable for the reasons set forth
11 below, as well as for potentially separate reasons. The failure of the Applicants, at
12 this time, to present separate arguments in favor of the patentability of each and
13 every dependent claim should not be considered as an admission that the
14 dependent claims are allowable only by virtue of their dependence from an arguably
15 allowable independent claim, and the Applicants reserve their right to argue for the
16 allowability of the dependent claims separately and later.

17 That said, the Applicants submit the following arguments in favor of
18 allowability of the independent claims (as respectively amended), and their
19 respective dependent claims.

20 Independent claim 1:

21 Independent claim 1 recites the following limitations:

22 A method for guiding a user in the capture of digital images in a
23 digital camera, comprising:

24 providing, in the digital camera, a collection of image templates;

25 activating, in response to the selection of an image template,

a corresponding image capture context in the digital camera; and

1 capturing, in response to an input, a digital image while the digital
2 camera is in the corresponding image capture context.

3 (Emphasis added.)

4 The Examiner contends (at page 3 of the Office action dated Nov. 16, 2006)
5 that Hyodo, at ¶¶ [0100] – [0102], and in accompanying Figs. 15A-F, discloses the
6 limitation (of Applicants' claim 1) of "activating, in response to the selection of an
7 image template, a corresponding image capture context in the digital camera." The
8 Applicants respectfully contend that this limitation (as provided in claim 1) is not
9 shown by Hyodo, and that, in fact, just the opposite is taught by Hyodo, as will be
10 discussed more fully below.

11 A slight digression is perhaps in order at this time, to consider exactly what
12 Hyodo does show, and how it differs from the Applicants' claims. As can be seen
13 from the Hyodo disclosure in its entirety, and, particularly at ¶¶ [0100] – [0102]
14 thereof (with particular emphasis on ¶ [0101]), Hyodo describes a digital camera
15 wherein the "shooting mode" and the orientation of the camera are used to select the
16 "composition assist frames" (per ¶ [0102] of Hyodo). As can be seen, in Hyodo the
17 selection of the "composition assist frames" is dependent upon the user-selected
18 "shooting mode" and the user-selected orientation of the camera. This is in complete
19 contrast to what is claimed by the Applicants' in claim 1. Specifically:

20 The Examiner, at page 3 of the Office action dated Nov. 16, 2006, contends
21 that Hyodo's "composition assist frames" correspond to the Applicants' "image
22 templates", and that Hyodo's "shooting mode" and camera orientation (combined)
23 correspond to the Applicants' "image capture context". While the Applicants'
24 generally disagree with this association of components, for the sake of argument
25 only, let us assume that the Examiner's association of components is correct. That
is, let us assume (for the sake of argument only) (1) that Hyodo's "composition assist
frames" correspond to Applicants' "image templates", and (2) that Hyodo's "shooting

1 mode" and camera orientation (combined) correspond to the Applicants' "image
2 capture context".

3 Following this hypothetical association of components (as asserted by the
4 Examiner), then Hyodo's "image assist frames" (correspond to the Applicants'
5 "image templates") are activated in response to the combination of the "shooting
6 mode" and the camera orientation (which collectively, as alleged by the Examiner,
7 correspond to the Applicants' "image capture context"). This is just the opposite of
8 what the Applicants' recite in claim 1, wherein the "image capture context" is
9 activated in response to the "image template"!

10 Put another way, and again, for the sake of argument only, replacing the
11 terminology of Hyodo with the asserted equivalent terms in Applicants' claim 1 (per
12 the Examiner's remarks), **Hyodo activates the "image templates" in response to**
13 **the "image capture context" (based on user input), whereas, in claim 1, the *just***
14 ***the opposite is recited* – i.e., in Applicants' claim 1 the "image capture context"**
15 **is provided in response to the user selection of an "image template"!**

16 To summarize:

17 Hyodo: a user selects the "context" (i.e., the shooting mode and camera
18 orientation) and, *in response* to this selection, the camera selects (offers) one or
19 more "templates" (i.e., "composition assist frames").

20 Applicants' claim 1: the user selects a "template", and, *in response* to this
21 selection, the camera selects a "context".

22 It is abundantly clear from the cited paragraphs in the Hyodo reference
23 (¶¶ [0100] – [0102]) that Hyodo offers a selection of "composition assist frames" in
24 response to the shooting mode and the camera orientation. This is in complete
25 contrast to Applicants' claim 1, wherein the "image capture context" is activated
(provided) "in response to the selection of an image template".

1 Accordingly, claim 1 includes at least one limitation that is not taught by the
2 prior art reference (Hyodo). For at least this reason the Applicants' contend that
3 claim1 should be allowed. As claims 2-21 depend from claim 1, then claims 2-21
4 should be allowed for at least the same reason that claim 1 is asserted to be
5 allowable. The Applicants' therefore request that the rejection of claims 1-7, 9, 10,
6 15-17, 19 and 21 as being anticipated by Hyodo be removed and the claims allowed.

7 While the Applicants have previously indicated that they believe each of the
8 dependent claims to be allowable by virtue of their dependence on an allowable
9 base claim, the Applicants believe that it is appropriate to discuss the separate
10 allowability of at least two claims which depend from claim 1, since the differences
11 are striking. Specifically:

12 With respect to claim 2, that claim includes the limitation of "wherein each
13 image template [as recited in claim 1] has an associated sample image." The
14 Applicants contend that no such limitation (i.e., of a "sample image") is shown by
15 Hyodo, as alleged by the Examiner. Specifically, the Examiner states that Figs.
16 15A-F of Hyodo show "sample images". In fact, these figures only depict various
17 "image assist frames", per ¶ [0094] of Hyodo, and do not show anything **other than**
18 the image assist frames. If, as the Examiner contends, the "image assist frames" of
19 the Applicants' frame are equivalent to Hyodo's "image assist frames", then claim 2
20 is clearly not shown by Hyodo, as Figs. 15A-F do not include anything that could be
21 considered separate from the "image assist frames". Further, just to remove any
22 possible future confusion, the icons (depicted in the bottom of display 52 of Hyodo in
23 Figs. 16-19, but not specifically numbered) are associated with the "context"
24 (specifically, the "shooting mode"), and not with the "image template" (or "image
25 assist frame". Thus, Hyodo does not describe or show any equivalent to the
Applicants' "sample image" that is associated with the "template".

1 For this reason alone the Applicants contend that claim 2 is allowable over
2 Hyodo (as well as for the reasons stated above with respect to claim 1, from which
3 claim 2 depends).

4 With respect to claim 5, that claim includes the limitation of, “presenting the
5 collection of image templates in at least one of a **textual list** and a graphical **list on**
6 **a display** of the digital camera”. The Applicants contend that no such limitation is
7 shown by Hyodo, as alleged by the Examiner. Specifically, the Examiner states (at
8 the top of page 4 of the Office action) that Hyodo discloses “presenting the collection
9 of image templates in a graphical list on a display of the digital camera”, and cites to
10 ¶ [0103] of Hyodo for support. However, paragraph 0103 of Hyodo merely states:

11 As shown in the table 1, when the shooting mode is the day
12 scenic shooting mode or the night scenic shooting mode and the user
13 holds the camera upright, the composition assist frames 1, 2 and 3 can
14 be selected, and the user selects one of them with the left key and the
15 right key of the cross key 9. The composition assist frame 1 is displayed
16 first, and the composition assist frames 2, 3 and 1 are displayed in that
17 order when the user repeatedly presses the right key. **The composition**
18 **assist frames 3, 2 and 1 are displayed in that order when the user**
19 **repeatedly presses the left key.** (Emphasis added.)

20 As can be seen from the above, Hyodo does not disclose “presenting the
21 collection of image templates in a graphical list on a display”, but rather allows the
22 user to move from one “composition assist frame” to another by the navigation keys
23 (i.e., no “list” is actually “displayed” in Hyodo.

24 Further, the Examiner has completely ignored the additional limitation of claim
25 5 that the “graphical list” is displayed along with a “textual list” (i.e., per the language
of claim 5, “a textual list and a graphical list”). Hyodo teaches no such display of a
“textual list”, and in particular, along with any “graphical list”.

1 For this reason alone the Applicants contend that claim 5 is allowable over
2 Hyodo (as well as for the reasons stated above with respect to claim 1, from which
3 claim 5 depends).

4
5 Independent claim 22:

6 Independent claim 22 (as amended above) recites the following limitations:

7 A method for guiding a user in the capture of digital images in a
8 digital camera, comprising providing, in the digital camera, a collection of
9 image templates, each image template having a corresponding image
10 capture context in the digital camera, and wherein the image capture
11 context is provided in response to the user selecting an image template.

12 (Emphasis added.)

13 As can be seen, in claim 22 the "image capture context" is provided "**in**
14 **response to**" the user selecting an "image template". This is distinguished from
15 Hyodo (as described at length above with respect to claim 1), wherein in Hyodo, the
16 alleged equivalent of the "image template" is provided in response to the user
17 selecting the "context". (That is, in claim 22 the user selects an "image template",
18 and the context is provided in response thereto, whereas in Hyodo the user selects a
19 "context", and the "template" is provided in response thereto.)

20 For at least this reason the Applicants contend that claim 22 is not anticipated
21 by Hyodo. Since claim 23 depends from claim 22, claim 23 is allowable for at least
22 the same reason that claim 22 is allowable. The Applicants therefore request that
23 the rejection of claims 22-23 as being anticipated by Hyodo be removed and the
24 claims allowed.

25
(Continued on next page.)

1 Independent claim 24:

2 Independent claim 24 (as amended above) recites the following limitations:

3 A digital camera, comprising:

4 an imaging module to convert optical images to digital images;

5 and

6 a memory to store a collection of image templates, each image
7 template having a corresponding image capture context in which a digital
8 image may be captured by the imaging module, and wherein the image
9 capture context is provided in response to a user selecting an image
10 template from among the collection of image templates.

11 (Emphasis added.)

12 As can be seen, in claim 24 the "image capture context" is provided "*in*
13 *response to*" a user selecting an "image template". This is distinguished from
14 Hyodo (as described at length above with respect to claim 1), wherein in Hyodo, the
15 alleged equivalent of the "image template" is provided in response to the user
16 selecting the "context". (That is, in claim 24 the user selects an "image template",
17 and the context is provided in response thereto, whereas in Hyodo the user selects a
18 "context", and the "template" is provided in response thereto.)

19 For at least this reason the Applicants contend that claim 24 is not anticipated
20 by Hyodo. Since claim 25 depends from claim 24, claim 25 is allowable for at least
21 the same reason that claim 24 is allowable. The Applicants therefore request that
22 the rejection of claims 24-25 as being anticipated by Hyodo be removed and the
23 claims allowed.

24
25 (Continued on next page.)

1 Independent claim 26:

2 Independent claim 26 recites:

3 A digital camera, comprising:
4 a memory to store a collection of image templates;
5 image template control logic configured to activate, in response
6 to the selection of an image template, a corresponding image capture
7 context in the digital camera; and

8 an imaging module to capture, in response to an input, a digital
9 image while the digital camera is in the corresponding image capture
10 context.

11 (Emphasis added.)

12 As can be seen, in claim 24 the “image capture context” is activated “*in*
13 *response to*” the selection of an “image template”. This is distinguished from Hyodo
14 (as described at length above with respect to claim 1), wherein in Hyodo, the alleged
15 equivalent of the “image template” is activated in response to the selection of a
16 “context”, which is just the opposite of what is recited in claim 26.

17 For at least this reason the Applicants contend that claim 26 is not anticipated
18 by Hyodo. Since claims 27-38 depend from claim 26, claims 27-38 are allowable for
19 at least the same reason that claim 26 is allowable. The Applicants therefore
20 request that the rejection of claims 26-28, 30, and 32-38 as being anticipated by
21 Hyodo be removed and the claims allowed.

22
23 Independent claim 39:

24 Independent claim 39 (as amended above) recites:

25 A digital camera, comprising:
 means for converting optical images to digital images; and

1 means for storing a collection of image templates, each image
2 template having a corresponding image capture context in which a digital
3 image may be captured by the means for converting optical images to
4 digital images, and wherein the image capture context is provided in
5 response to a user selecting an image template from among the
6 collection of image templates.

7 (Emphasis added.)

8 As can be seen, in claim 39 the "image capture context" is provided "*in*
9 *response to*" a user selecting an "image template". This is distinguished from
10 Hyodo (as described at length above with respect to claim 1), wherein in Hyodo, the
11 alleged equivalent of the "image template" is provided in response to the user
12 selecting the "context". (That is, in claim 39 the user selects an "image template",
13 and the context is provided in response thereto, whereas in Hyodo the user selects a
14 "context", and the "template" is provided in response thereto.)

15 For at least this reason the Applicants contend that claim 39 is not anticipated
16 by Hyodo. Since claim 40 depends from claim 39, claim 40 is allowable for at least
17 the same reason that claim 39 is allowable. The Applicants therefore request that
18 the rejection of claims 39-40 as being anticipated by Hyodo be removed and the
19 claims allowed.

20
21 Independent claim 41:

22 Independent claim 41 (as amended above) recites:

23 A computer-readable storage medium having encoded thereon a
24 set of instructions, when executed by a computer, to implement a
25 method guiding a user in the capture of digital images, the method
comprising the steps of:

1 providing, in the digital camera, a collection of image templates,
2 each image template having a corresponding image capture context in
3 the digital camera; and

4 providing, in response to the user selecting an image template,
5 the image capture context. ·

6 (Emphasis added.)

7 As can be seen, in claim 41 the “image capture context” is provided “*in*
8 *response to*” a user selecting an “image template”. This is distinguished from
9 Hyodo (as described at length above with respect to claim 1), wherein in Hyodo, the
10 alleged equivalent of the “image template” is provided in response to the user
11 selecting the “context”. (That is, in claim 41 the user selects an “image template”,
12 and the context is provided in response thereto, whereas in Hyodo the user selects a
13 “context”, and the “template” is provided in response thereto.)

14 For at least this reason the Applicants contend that claim 41 is not anticipated
15 by Hyodo. Since claims 42-44 depend from claim 41, claims 42-44 are allowable for
16 at least the same reason that claim 41 is allowable. The Applicants therefore
17 request that the rejection of claims 41-44 as being anticipated by Hyodo be removed
18 and the claims allowed.

19
20 Rejection of Claims Under 35 U.S.C. § 103:

21 Claims 8, 11-14, 18, 20, 21, 29 and 31 were rejected under 35 USC § 103 as
22 being obvious for the reasons stated in the Office action at pages 11-14.

23 Each of claims 8, 11-14, 18, 20, 21, 29 and 31 (which were rejected under 35
24 USC § 103) depend from at least one of independent claims 1, 22, 24, 26, 39
25 and 41. As argued above, the Applicants consider all of the independent claims (1,
22, 24, 26, 39 and 41, as variously amended above) to be allowable. Further, as
indicated above, it is axiomatic that a claim which depends from an arguably

allowable independent claim is also allowable (see page 12, line 27, through page 13, line 3). Accordingly, the Applicants contend that each of claims 8, 11-14, 18, 20, 21, 29 and 31 are allowable for at least the same reasons that the claims from which they depend are allowable, as well as potentially for their own reasons (which are not argued specifically herein, and the Applicants reserve the right to present such separate arguments at a later time).

The Applicants therefore request that the rejections of claims 8, 11-14, 18, 20, 21, 29 and 31 be removed and the claims allowed.

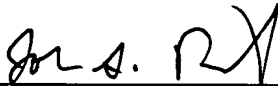
SUMMARY

The Applicants believe that this response constitutes a full and complete reply to the office action dated November 16, 2006, and the Applicants respectfully request timely allowance of claims 1-42 and 44. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (509) 534-5789.

Respectfully submitted,
Donald J. STAVELY, et al.

Date: January 03, 2007

By:



John S. Reid
Attorney and agent for Applicants
Reg. No. 36,369
Phone: (509) 534-5789